IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRP.No. 876 of 2002(D)

AGAINST THE ORDER DATED 27/04/2002 IN HOS. IN TLB.1711/1973 of TALUK LAND BOARD, HOSDRUG

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REVN. PETITIONER: CLAIM PETITIONER:

KOOVACKAL THOMAS, S/O.ANTONY,
RESIDING AT KALARIMOOLA, MALOTH VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.K.SHRIHARI RAO

RESPONDENTS: STATEMENT GIVER:

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1. THE TALUK LAND BOARD, HOSDURG.

2. ATTUKKAL AMMARU AMMA,D/O.CHOYICHI AMMA,
CHAPPARAKADAVU, BELOOR VILLAGE,P.O.KALICHANADUKKAM
HOSDURG TALUK, KASARAGOD DISTRICT.

3. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

R1 & R3 BY ADV. SRI.THOMAS JOHN AMBOOKAN, GOVT. PLEADER
R2 BY ADV. SRI.M.SASINDRAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP No. 876 OF 2002

ORDER ON CMP NO.2253 OF 2002 IN CRP NO.876 OF 2002

DISMISSED

26.06.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P. No. 876 OF 2002

Dated this the 26th day of June, 2007

O R D E R

A claim petition filed by the petitioner before the Taluk Land Board was dismissed holding inter alia that the property covered by the claim petition is included in the account of the declarant and that the petitioner has not adduced evidence to establish the identity of the property covered by the deed in his favour which is executed by the declarant's brother. Mr.K.Shriharirao, learned counsel for the petitioner has drawn my attention to the Kerala Land Reforms Amendment Act 2005, particularly to Section 7 E thereof. Counsel submitted that since it has been reported by an authorised officer that the property is under the possession of the petitioner Section 7 E of the amended act will operate and the petitioner will get benefit. I am not prepared to accept this argument straight away. But it is obvious that the Taluk Land Board has not considered this aspect of the matter and particularly since the property covered by the assignment deed in favour of the petitioner was in different Survey number. At the same time since the implications of the amending statute has not been considered by the Taluk Land Board , I set aside the impugned order and direct the 1st respondent-Taluk Land Board, to take a fresh decision on the claim petition after

hearing the petitioner and anybody else according to the Taluk Land Board will also be interested. The Taluk Land Board will consider the implications, if any, the newly inserted Section 7 E of the Kerala Land Reforms Amendment Act, 2005 and take a decision. The decision shall be taken by the 1st respondent at its earliest and at any rate within six months of receiving copy of this order.

PIUS C. KURIAKOSE, JUDGE

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